

FILED WITH LRC
TIME: <u>noon</u>
APR 18 2014
<i>Donna Little</i> REGULATIONS COMPILER

1 Education and Workforce Development Cabinet  
2 Kentucky Board of Education  
3 Department of Education  
4 (Repealer)  
5 704 KAR 3:346. Repeal of 704 KAR 3:345.  
6 RELATES TO: KRS 156.557  
7 STATUTORY AUTHORITY: KRS 156.070, 156.557(5)(c)  
8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.557(5)(c) requires the Kentucky  
9 Board of Education to develop written guidelines for local school districts to follow in  
10 implementing a statewide system of evaluation for certified personnel. If 704 KAR 3:345,  
11 Evaluation Guidelines, remained in place, it would contradict the new guidelines for the  
12 Professional Growth and Effectiveness System required by KRS 156.557(5)(c). This  
13 administrative regulation repeals 704 KAR 3:345, Evaluation Guidelines, because new guidelines  
14 have been established for the Professional Growth and Effectiveness System in a new regulation.  
15 Section 1. 704 KAR 3:345, Evaluation guidelines, is hereby repealed.

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(5).

4-17-14  
(Date)

Terry Holliday  
Terry Holliday, Ph.D.  
Commissioner of Education

4-17-14  
(Date)

Roger L. Marcum  
Roger Marcum, Chairperson  
Kentucky Board of Education

**PUBLIC HEARING AND PUBLIC COMMENT PERIOD:** A public hearing on this proposed administrative regulation shall be held on June 23, 2014, at 10 a.m. in the State Board Room, First Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky. Individuals interested in being heard at this meeting shall notify this agency in writing five working days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 30, 2014. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to:

**CONTACT PERSON:** Kevin C. Brown, Associate Commissioner and General Counsel, Kentucky Department of Education, 500 Mero Street, First Floor, Capital Plaza Tower, Frankfort, Kentucky, 40601, phone 502-564-4474, fax 502-564-9321.

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Administrative Regulation: 704 KAR 3:346

Agency Contact Person: Kevin C. Brown

(1) Provide a brief summary of:

(a) What this administrative regulation does: Repeals administrative regulation 704 KAR 3:345, which provided for evaluation guidelines for certified employees. Upon the adoption of the new Professional Growth and Effectiveness System regulation, 704 KAR 3:370, the provisions of 704 KAR 3:345 will no longer be applicable.

(b) The necessity of this administrative regulation: This regulation will repeal the current guidelines for certified employees which is being replaced by 704 KAR 3:370.

(c) How this administrative regulation conforms to the content of the authorizing statute: The regulation conforms to the authority given to the Kentucky Board of Education in KRS 156.070 and KRS 156.557 to promulgate regulations affecting the operation of the common schools and the evaluation of certified employees in the schools.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation would, consistent with KRS 156.557, repeal 704 KAR 3:345.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: Not applicable

(b) The necessity of the amendment to this administrative regulation: Not applicable

(c) How the amendment conforms to the content of the authorizing statute: Not applicable

(d) How the amendment will assist in the effective administration of the statutes: Not applicable

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Those affected by this repeal are local school districts that evaluate certified employees pursuant to 704 KAR 3:345.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Districts will no longer have the option to evaluate certified employees pursuant to 704 KAR 3:345. Districts will, instead, evaluate

certified employees pursuant to the new Professional Growth and Effectiveness System regulation, 704 KAR 3:370.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No cost is associated with the repeal of this regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Districts will evaluate certified employees pursuant to the new Professional Growth and Effectiveness System regulation, 704 KAR 3:370, and implementation guidance promulgated by the Kentucky Department of Education.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: No cost

(b) On a continuing basis: No cost

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: N/A

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: N/A

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: N/A

(9) TIERING: Is tiering applied? (Explain why or why not) Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all schools and districts. N/A

## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 704 KAR 3:346  
Contact Person: Kevin C. Brown  
Phone number: 502-564-4474

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? This regulation will repeal the administrative regulation 704 KAR 3:345, which provided for evaluation guidelines for certified employees. Upon the adoption of the new Professional Growth and Effectiveness System regulation, 704 KAR 3:370, the provisions of 704 KAR 3:345 will no longer be applicable.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 156.070 and KRS 156.557.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. No effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No revenue.

(c) How much will it cost to administer this program for the first year? There will be no cost associated with the repeal.

(d) How much will it cost to administer this program for subsequent years? There will be no cost associated with the repeal.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): N/A

Expenditures (+/-): N/A

Other Explanation: N/A